

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

EDWARD LYLE GROSS and
NELLIE DAUNE ROBERTS,

Debtors.

THE GREAT-WEST LIFE ASSURANCE
COMPANY,

Plaintiff,

BKY 02-94367

v.

ADV 03-3090

EDWARD LYLE GROSS and
NELLIE DAUNE ROBERTS,

Defendants.

MICHAEL S. DIETZ, TRUSTEE OF THE
BANKRUPTCY ESTATE OF EDWARD
L. GROSS AND NELLIE DAUNE
ROBERTS,

Plaintiff,

BKY 02-94367

v.

ADV 03-3114

EDWARD L. GROSS and
NELLIE DAUNE ROBERTS,

Defendant.

ORDER FOR CONTINUANCE OF TRIAL DATE

At St. Paul, Minnesota, this 26th day of August, 2004.

These adversary proceedings were set for a joint trial to convene on Wednesday,
September 1, 2004. On August 25, 2004, the Court received word that a close family member of


NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 08/26/04
Lori Vosejpka, Acting Clerk, By jrb

Michael S. Dietz, Esq. had died, and that in light of his family responsibilities he wished to have the trials continued to a later date. The Court's staff encouraged his counsel to obtain the other parties' consent to a continuance. Via later informal advisory, it appeared that all counsel had consented but that Defendant Edward L. Gross would not consent to the continuance.

This party's resistance to a continuance does not display either the courtesy or the deference that should be accorded to another litigant who is under trying circumstances. The requesting party and his counsel are both officers of this Court, charged with utter candor to it, and have never given evidence of anything but such candor. Under the circumstances, no formal motion is necessary and the proffered reason for a continuance is entirely reasonable. It is the only humane thing to do. The Court would do no less for Defendant Gross.

IT IS THEREFORE ORDERED that the trials in these adversary proceedings are continued to *November 9, 2004*, at *9:30 a.m.* All terms of the scheduling order and order for trial for these matters shall remain otherwise in effect.

BY THE COURT:

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GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE

U.S. BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Judy Brooks, hereby certify that I am judicial assistant to Gregory F. Kishel, Chief Bankruptcy Judge for the District of Minnesota; that on August 26, 2004, true and correct copies of the annexed:

ORDER

were placed by me in individual official envelopes, with postage paid; that said envelopes were addressed individually to each of the persons, corporations, and firms at their last known addresses appearing hereinafter; that said envelopes were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

MICHAEL J. DIETZ, ESQ.
206 SOUTH BROADWAY #505
PO BOX 549
ROCHESTER MN 55903

JAMES P. RYAN, ESQ.
313 WEST SIXTH STREET
ST. CHARLES MN 55972

CHRISTOPHER A. SEIDL, ESQ.
2800 LaSALLE PLAZA
800 LaSALLE AVENUE
MINNEAPOLIS MN 55402-2015

and this certificate of service was made by me.

/s/ Judy Brooks
Judy Brooks

Filed on August 26, 2004 Lori Vosejpka, Acting Clerk By jrb, Deputy Clerk
